

# INFORMATION LETTER

Not for  
Publication

NATIONAL CANNERS ASSOCIATION

For Members  
Only

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Washington, D. C.

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## REGULATION RESTRICTS FRESH PEAR SHIPMENTS

### Action Is Taken to Avoid Diversion of Coast Product from Processors

Interstate shipments of fresh Bartlett and Beurre Hardy pears from the Pacific Coast States are restricted, effective July 22, by the War Food Administration to prevent undue diversion from processing into fresh market channels.

Shippers in California may not ship out-of-State for fresh consumption more of these pears than they shipped for this purpose last season. In Washington and Oregon, shippers are limited to 75 per cent of the quantity moved out-of-State for fresh consumption last year. These restrictions are contained in Food Distribution Order 65, issued July 19. Text of the governing sections of the order follows:

#### (a) Definitions.

When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "pears" means any and all strains of the Bartlett and Beurre Hardy varieties of fresh pears grown in the States of California, Oregon, or Washington.

(2) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(3) The term "region 1" means the State of California.

(4) The term "region 2" means the States of Oregon and Washington.

(5) The term "ship" means to convey fresh pears, or to cause fresh pears to be conveyed, by railroad, truck, boat, or any other means whatsoever from a point within region 1 to a point without region 1, or from a point within region 2 to a point without region 2.

(6) The term "shipper" means any person (except a carrier of pears owned by another person) who ships pears.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "canned pears" means pears which have been packed for commercial purposes in hermetically sealed metal or glass containers and sterilized in the containers by the use of heat.

(9) The term "canner" means any person who packs pears for commercial

purposes in hermetically sealed metal or glass containers and sterilizes said pears in the containers by the use of heat.

(10) The term "season" means from April 1 of any year through March 31 of the succeeding year.

#### (b) Restrictions.

(1) No person may during the season beginning April 1, 1943, except pursuant to (b) (2) or (b) (3) hereof, ship (i) any pears from region 1 in excess of 100 per cent of the quantity of pears shipped by such person from said region 1 for fresh consumption during the season beginning on April 1, 1942, or (ii) any pears from region 2 in excess of 75 per cent of the quantity of pears shipped by such person from said region 2 for fresh consumption during the season beginning on April 1, 1942: *Provided*, That any person who has

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## Canned Fruit Pricing Order Expected Next Week

It was expected that the order governing the pricing of canned fruits would be issued by the Office of Price Administration in time for publication in this issue of the INFORMATION LETTER. At press time, however, it was indicated that the order would not be issued until some time next week.

### Decision Delayed on 7th Day Double Time Exemption

Secretary of Labor Perkins is reported to be still considering the application of the industry for exemption from Executive Order 9240, which requires payment of double time for work performed on the seventh consecutive day. A determination on the renewed application of the Association for the exemption of the processing of seasonal or perishable fruits and vegetables from this order has been expected daily during the past three weeks, and is expected to be issued during the immediate future.

## FRUIT CANNING SUGAR ALLOTMENT INCREASED

### Amendment Grants 100% Allowance for Balance of 1943 Pack

To allow commercial canners to pack a larger proportion of their fruit in a medium or heavy syrup, the Office of Price Administration, on July 22, permitted an increase in the amount of sugar that may be used in packing the remainder of the 1943 fruit crop.

Military demand for canned fruit is about the same as last year, says OPA, and will have to be supplied out of a much smaller total fruit pack. Since Army-Navy specifications require fruit packed in medium or heavy syrup, the amount of this type of pack available for civilians would have been drastically reduced under previous sugar rationing provisions.

The current amendment increases supply of this type of pack by providing that a packer may use as much sugar for each unit of a particular fruit canned in 1943 as the average used by him for the same amount of fruit canned in 1941. Previously he was allowed only 90 per cent of this amount. The amendment increases his allowance to 100 per cent.

Included in this order are all fruits on which canning was begun but not completed on July 21, as well as crops on which canning has not yet been started.

This action is taken in Amendment 73 to Rationing Order 3, for sugar, effective July 21, text of which follows.

Rationing Order No. 3 permits commercial fruit canners to obtain sugar on the basis of the amount of fruit they can. However, they may not use more than 90 per cent of the average quantity of sugar used per unit (converted to standard cases of 24/2½'s) of all grades during 1941. This limitation results in a restriction on the percentage of fruit packed in medium and heavy syrup that may be canned during any packing season by a commercial fruit canner.

Army and Navy specifications generally require fruit packed in medium and heavy syrup and it is expected that their total requirements will amount to at least 50 per cent of the 1943 pack. The Army and Navy, therefore, will receive approximately the same quantity

of fruit as they obtained during 1942 from a substantially larger pack. Thus, the percentage of fruit packed in medium and heavy syrup available for civilian consumption during 1943 would be drastically reduced. In order, therefore, that a reasonable proportion of such fruit may be available for civilian consumption from the 1943 pack it is necessary that Rationing Order No. 3 be amended to permit fruit canners to use sugar in excess of the 90 per cent limitation now imposed by this Order. This amendment, therefore, changes the percentage figure from 90 to 100.

## WFA Stops Interstate Shipment of California Clingstone Peaches

### Order Designed to Make Bulk of Crop Available for Processors

As reported in last week's *INFORMATION LETTER*, interstate shipments of 1943 crop California clingstone peaches were prohibited after July 16 by the War Food Administration as a means of making this year's crop available for canning, drying, and freezing to meet large military and civilian requirements.

The short southern peach crop this season and the large current demand for fresh fruit threatened an undue diversion into fresh outlets and a resultant shortage of supply for processors. No restrictions were imposed on shipments of freestone varieties, however.

Shipment limitations are prescribed in Food Distribution Order No. 64 and, according to WFA, have been drafted so as to best serve the needs in both processing and fresh market outlets. Text of the order follows.

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of clingstone peaches produced in the State of California, for defense and private account; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

#### §1405.14 RESTRICTIONS RELATIVE TO THE SHIPMENT OF CLINGSTONE PEACHES

(a) *Definitions.*

When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "clingstone peaches" means any and all strains and any and all varieties of fresh clingstone peaches grown in the State of California.

(2) The term "person" means any individual, partnership, corporation, association, business trust, or any organized group of persons whether incorporated or not.

(3) The term "ship" means to convey fresh clingstone peaches, or cause fresh

## Bowles Appointment Confirmed

Chester A. Bowles, head of the Office of Price Administration in Connecticut since February, 1942, will become Senior Deputy Administrator with the powers of general manager, Price Administrator Prentiss M. Brown announced July 19. Mr. Bowles will take office in Washington on July 27. Last week's *INFORMATION LETTER* carried the report that the post had been offered to Mr. Bowles by the Price Administrator.

clingstone peaches to be conveyed, by railroad, truck, boat, or any other means whatsoever, from a point within the State of California to a point without the State of California.

(4) The term "shipper" means any person (except a carrier of fresh clingstone peaches owned by another person) who ships fresh clingstone peaches.

(5) The term "Director" means the Director of Food Distribution, War Food Administration.

#### (b) *Restrictions.*

(1) No person may ship any clingstone peaches.

(2) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

#### (c) *Audits and inspections.*

The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of fresh clingstone peaches of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

#### (d) *Records and reports.*

The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

#### (e) *Petition for relief from hardship.*

Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

#### (f) *Violations.*

The War Food Administrator may, by suspension order, prohibit any person

who violates any provision of this order from receiving, making any deliveries of, or using clingstone peaches, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who willfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

#### (g) *Delegation of authority.*

The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

#### (h) *Communications.*

All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administration, P. O. Box 230, Sacramento 1, California, Ref. FD-64.

#### (i) *Effective date.*

This order shall become effective at 12:01 a. m., e. w. t., July 16, 1943.

## REGULATION RESTRICTS FRESH PEAR SHIPMENTS

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shipped in excess of the quotas herein prescribed prior to the effective date hereof shall not be deemed to have violated the provisions of this order.

(2) The Director may authorize any person to ship a particular lot of pears if (i) the pears are not suitable for canning; (ii) canning facilities are not accessible; or (iii) for any other reason the Director may deem necessary in order to effectuate the purposes of this order.

(3) The Director may, notwithstanding any other provision hereof, if he deems that such will tend to effectuate the purposes of this order, issue general authorizations from time to time authorizing the shipment of certain varieties, grades, or sizes of pears and the quantities thereof which may be shipped.

(4) The Director may, notwithstanding any other provision hereof, if he deems that such will tend to effectuate the purposes of this order, prescribe the minimum grade of all pears which may be shipped from region 1 or region 2.

(5) Each person, prior to making such shipment of pears, shall, when the

Director so prescribes and announces, cause each such shipment to be inspected by a duly authorized representative of the Federal-State Inspection Service; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Program Manager for the region from which the respective lot of pears is shipped, the Federal-State shipping point inspection certificate with respect to each shipment of pears by such person, which certificate shall set forth the variety, grade, or size of the pears contained in such lot or shipment.

(6) No canner may, from the effective date hereof, can any pears in region 1 or region 2 until after said canner has delivered to the Director a written notice of intent to can pears.

(7) The restrictions hereof shall be observed by each person affected by this order without regard to the rights of creditors, existing contracts, or payments made.

(c) *Administration.*

(1) The Director shall designate one person to the Program Manager for region 1 and one person to be Program Manager for region 2, and shall prescribe the duties of such Program Managers and fix the amount of their salaries. \* \* \* Each Program Manager is authorized and directed to:

(i) Receive and examine the inspection certificates; compile records of shipments; assemble data with respect to the growing, shipping, and marketing conditions affecting pears; and furnish to the Director such available information as may be requested;

(ii) Keep books and records which will clearly reflect all of his acts and transactions, which books and records shall be subject at any time to examination by the Director;

(iii) Collect the assessments, as provided in this order, from those persons required by the order to pay such assessments;

(vii) Investigate and report to the Director any violation of this order;

(2) The Director shall appoint in each region designated herein such number of persons as he deems appropriate to act as an "Advisory Committee" or as "Advisory Committees" and may also appoint an alternate for each member. Any such alternate shall act only in the event that the member for whom he is alternate is unable to act. Each member of the committee shall be subject to removal by the Director at any time. Each Advisory Committee shall meet at the call of its chairman or at the call of a majority of the members thereof. The committee members may be paid their actual traveling expenses and each member, except the Program Manager, may be paid \$10 for each day of attendance at a committee meeting. Each Advisory Committee shall counsel with the Program Manager for the respective region, and shall

recommend to the Director such amendments to this order and such changes in the operation thereof as it deems advisable. Each Advisory Committee may also recommend such person or persons as it may prefer for the position of Program Manager of the region in which such committee is located. Each Advisory Committee may further recommend to the Director action to be taken with respect to petitions for relief from hardship, filed in accordance with (f) hereof.

(3) Each shipper and each canner, respectively, doing business in region 1 or region 2, shall pay to the Program Manager for the respective region his pro rata share, as is specified by the Director, of the expenses which the Director finds will be necessarily incurred by the respective Program Manager in accordance with the provisions hereof. Each shipper shall, with respect to each shipment of pears, pay the aforesaid assessment to the Program Manager (within 10 days after the end of each calendar month after said assessment is specified) of the region from which the respective shipment of pears was made. Each canner doing business in region 1 or region 2 shall, with respect to each lot of pears purchased for canning, pay the aforesaid assessment to the Program Manager (within 10 days after the end of each calendar month after said assessment is specified) of the region in which the respective lot of pears was canned.

(4) At the end of each season, the Program Manager in each region specified herein shall refund to each shipper and canner, respectively, any amount paid in excess of such person's pro rata share of the aforesaid expenses incurred by the Program Manager, in accordance with the provisions hereof.

(d) *Audits and inspections.*

The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of fresh or canned pears of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Records and reports.*

The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Acts of 1942.

(f) *Petition for relief from hardship.*

Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(g) *Violations.*

The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using pears, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(h) *Delegation of authority.*

The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director, and may be redelegated by him to any employee of the United States Department of Agriculture.

(i) *Communications.*

All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the War Food Administrator, be addressed to the Regional Program Manager located in the region where such reports or communications originate.

(j) *Effective date.*

This order shall become effective at 12:01 a.m., e.w.t., July 22, 1943.

## Tomato Catsup Pack in 1942

The pack of tomato catsup in 1942 amounted to 11,770,819 cases, according to figures compiled by the Association's Division of Statistics. In the following table, this pack is reported by container sizes:

	1942
Glass bottles:	Cases
8 Z.....	997,476
12 Z.....	752,882
14 Z Tall.....	2,934,513
14 Z Medium.....	3,442,516
14 Z Stubby.....	994,934
No. 10 Tin.....	2,535,885
Miscellaneous tin and glass.....	112,611
Total.....	11,770,819



## PRESIDENT ROOSEVELT MAKES PERSONAL INTERPRETATION OF STANDARDIZATION AND GRADE LABELING PROHIBITIONS

### Seeks to Qualify Limitations on OPA Authority to Base Pricing Control on Standards

On July 16, 1943, President Roosevelt approved the Joint resolution to continue the life of the Commodity Credit Corporation. This bill, it will be recalled, repealed the proviso in the National War Agency's Appropriation Act, 1944, which prohibited the use of any funds "for the promulgation and enforcement of orders requiring grade labeling or standardization of food products." In its place, Congress added a further provision to Section 2 of the Emergency Price Control Act of 1942. This new provision specifically sets forth four separate limitations on the authority of the Price Administrator in issuing maximum price regulations:

First, that nothing in the Price Control Act should be construed to authorize the elimination of any restriction of the use of trade and brand names.

Second, nothing in the Act should be construed to authorize the grade labeling of any commodity.

Third, nothing in the Act should be construed to authorize the Administrator to standardize any commodity, unless he shall determine that no practicable alternative exists for securing effective price control of such commodity.

Fourth, nothing in the Act should be construed to authorize any maximum price regulation, which fixes maximum prices in terms of specifications or standards unless such specifications or standards were prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another government agency.

A summary of the legislative history of this amendment already has been reported to the industry. (See INFORMATION LETTER No. 942, July 10, 1943, page 7751.) It will be recalled that the Report of the House conferees on the amendment stated that:

"The fourth clause prohibits the tying of maximum prices to specifications or standards under any circumstances unless such specifications or grades have previously been in wide, general use in the affected industry, or have previously been lawfully required to be used, in the sale of commodities, by some other government agency acting pursuant to congressional authorization.

"Thus price ceilings may be based only on grades and specifications which are in wide, general use in an industry, such as those prevailing in the lumber business; or may be based on legal standards or specifications promulgated under the Food, Drug, and Cosmetic

Act or the Federal Meat Inspection Act. But requirements that standards or specifications be used in manufacturing or selling, or that such standards appear on the invoice, are prohibited except where such standards or specifications are in wide, actual commercial use, or are lawfully required by some other government agency, acting pursuant to statute, to be used in the sale of the affected commodities. Voluntary, advisory, warehousing, proposed, or tentative specifications or standards, issued by administrative officials, cannot be written into law merely by being put into maximum price regulations.

"Each of these four limitations is made separately applicable to the issuance of maximum price regulations, and is designed to make certain and specific the congressional intent originally embodied in section 2(h) of the Act."

This Conference Report was the only definitive statement of the meaning and purpose of the amendment. It appeared to make clear that the Office of Price Administration could tie its pricing schedules to standards or specifications only when this was necessary for price control (clause 3), and that when it did so the prices were to be related either to existing industry standards or to standards which were lawfully required by some government agency other than the OPA. In short, it appeared to be the Congressional intention to limit the use of standards as a basis for ceiling prices and to require that some government agency other than OPA formulate such new standards as might be necessary.

In approving the bill eight days after its enactment, the President issued the following statement:

"I have today signed House Joint Resolution No. 147, which continues the Commodity Credit Corporation.

"The bill includes an amendment to the Emergency Price Control Act of 1942 which prohibits the use of grade labeling to inform consumers and which restricts the use of standards in maximum price regulations.

"The language in the bill relating to standards is so ambiguous that misconceptions have already arisen as to its effect. The matters involved are of the utmost public concern. The legislation was adopted after only fragmentary debate. In view of the uncertainty created, I feel it necessary to state my own understanding of the amendment, as drawn from the expressed intent of its sponsors.

"The language of the bill appropriating funds for the Office of Price Administration was construed as prohibiting the Administrator from making use of standards in any case re-

gardless of how essential they were to price control unless such standards had been previously established by industry acceptance or by government action. Such a construction would cripple price control because trade standards are frequently lacking or, as in the case of grades of meats, incompletely established.

"I am satisfied this bill has no such meaning. It was presented to the Senate and House to avoid the consequences that would have followed the adoption of the language in the appropriation bill. Senator Taft, who sponsored the language in the appropriation bill and the modification in this bill, stated expressly that the modification preserved power in the Administrator to 'standardize' a commodity in any case in which this was 'absolutely essential to an effective system of fixing prices.' These assurances are in accord with the purpose and the terms of the compromise amendment and must be taken as controlling. It is with this understanding that I have signed the bill."

A contemporaneous Presidential statement, interpreting the meaning of a Congressional enactment, is almost without historical precedent. Under the Constitution the President has no power of qualified approval. He is without authority to change a single word of a Congressional enactment, but may merely approve or disapprove the bill as passed by the two Houses. Ordinarily, a Presidential veto is accompanied by a message stating why the bill is disapproved. But there is little precedent for a Presidential statement explaining what the bill being approved is thought to mean.

Moreover, the Presidential statement appears to be in conflict with the legislative history. It makes no reference whatever to the Conference Committee Report, which is the only definite and complete Congressional statement of what this amendment of the Emergency Price Control Act was intended to do. The apparent theory of the Presidential statement is that the fourth clause of the amendment—which requires the use of either industry standards, or standards approved by some other government agency—is qualified by the third clause which permits price ceilings to be tied to standards where the Administrator deems this necessary. If this interpretation is correct, it would seem that both the first and second clauses of the amendment—which prohibit the restriction of trade names and prohibit restriction of the use of grade labeling—might be similarly qualified by the third clause. That this is so was flatly denied by Senator Taft during the course of the Senate debate on the amendment. Likewise, the Conference Committee report is explicit that "each of these four limitations is made sepa-

rately applicable to the issuance of maximum-price regulations."

The Presidential statement makes no reference to the further problem of whether standards or specifications upon which a maximum price regulation is based can lawfully be required to be stated on the invoice. The Conference Report specifically referred to this type of requirement, and indicated that it was prohibited unless the standards were in wide, actual commercial use, or had been lawfully required by some other government agency to be used in the sale of the particular products.

In all likelihood the OPA will consider itself bound by the Presidential statement interpreting this amendment. It is not known at this time whether carrying out the Presidential interpretation will lead to the issuance of revised regulations based on further findings, or to the issuance of detailed interpretations supplementing the Presidential statement.

## OPA Will Mail Point Value

### Tables Direct to Processors

Official tables of consumer point values for canned fruits and vegetables and rationed meats, fats and dairy products, will be mailed direct to retailers, wholesalers and processors, beginning with the tables for August, the Office of Price Administration announced July 19.

According to present plans, the August point value tables, which become effective August 1, will be placed in the mails late this month for the more than 400,000 distributors and processors registered under Ration Orders Nos. 13 and 16.

Use of the mails in the distribution of the consumer point tables is viewed by OPA officials as a major simplification which will save the trade the time-consuming inconvenience of obtaining each new table at local postoffices.

Under the new arrangement, the processed food and meats-fats tables will be printed on separate sheets, instead of together, with the back of each table carrying pertinent information regarding rationing.

To insure speedy distribution, the tables will be printed and mailed from plants located in seven cities throughout the country.

OPA officials stated that every precaution has been taken to make certain all eligible distributors and processors are on the mailing list. However, if a registered retailer, wholesaler, primary distributor of meat, or canner does not

receive the table during the first week in August, it may be obtained at his local rationing board, county war board, or from his trade association. The name and address of those who obtain the table in this manner will be placed on the mailing list it was stated.

Individual concerns will receive one copy of each table. However, those who desire additional copies will be mailed a maximum of five for each ration period if request is made to the OPA Central Inventory Unit, Empire State Building, New York, N. Y.

## FSCC Labels Required for Canned Salmon in V3 Cases

Following is text of a letter to the Alaska canned salmon industry, sent out July 21, by H. C. Albin, Chief, Special Commodities Branch of the War Food Administration:

"In letters to members of the Alaska Canned Salmon Industry in April, 1943, the packers' quotas for various types of export cases were set out. The letters also advised that where V3 cases were used FSCC labels would be required.

"This is to advise that instructions with respect to the use of FSCC labels remain unchanged. Labels supplied by FSCC will be required on all canned salmon packed in V3 cases."

## Frozen Fruit and Vegetable Stocks Held in Cold Storage

Stocks of frozen fruits in storage on July 1, 1943, totaled 106,656,000 pounds, against 96,515,000 on June 1, and 129,334,000 on July 1, 1942, according to the Food Distribution Administration. Frozen vegetable stocks were 73,207,000 pounds, against 56,680,000 on June 1, this year, and 65,358,000 on July 1, 1942. The following table furnishes details by commodities:

FRUITS	July 1, 1942	June 1, 1943	July 1, 1943
	1,000-lbs.	1,000-lbs.	1,000-lbs.
Blackberries.....	2,361	3,032	3,847
Blueberries.....	2,532	4,248	3,055
Cherries.....	14,527	8,664	6,106
Young and similar berries.....	2,502	1,774	2,329
Raspberries.....	8,718	7,975	5,948
Strawberries.....	56,009	23,398	35,926
Other fruits.....	17,740	29,877	35,219
Classification not reported.....	24,045	17,547	14,026
Total.....	129,334	96,515	106,656
VEGETABLES			
Asparagus.....	7,950	4,841	4,549
Beans, lima.....	7,010	7,457	4,800
Beans, snap.....	2,593	1,886	2,668
Broccoli, green.....	1,383	958	821
Corn, sweet.....	2,578	2,282	1,436
Peas, green.....	27,404	13,563	16,284
Spinach.....	6,888	6,910	6,740
Other vegetables.....	4,873	10,191	10,677
Classification not reported.....	4,680	8,681	25,232
Total.....	65,358	56,680	73,207

## Alaska Salmon Pack Report Through July 3

The following figures on the Alaska salmon pack, as reported by the Fish and Wildlife Service, show the pack by districts and species through July 3, 1943, along with comparative totals for 1942. The total was 662,800 on July 3 this year, compared with 288,786 on July 4, 1942.

This unusual increase is due to a strong run, reported by the Office of the Coordinator of Fisheries, and to an improved situation as to equipment and manpower. At one time most of the salmon industry's floating equipment was taken over by the Army but has been returned so that the packers could operate this season.

DISTRICT	Coho Cases	Chum Cases	Pink Cases	King Cases	Red Cases	Total Cases
Bristol Bay.....		7,885		4,500	284,886	297,340
Alaska Peninsula:						
North side.....						
South side.....	34	19,917	8,703	898	105,998	135,550
Chignik.....		230	125	27	40,837	40,919
Kodiak.....	1	6,059	1,059	84	51,088	58,261
Cook Inlet.....	1,311	1,788	3,823	23,728	6,273	36,923
Prince William Sound.....					1,049	1,049
Copper River.....				4,000	55,980	60,880
Yakutat.....	5			23	2,649	2,685
Icy Strait.....	73	12,902	894	59	961	14,889
Western.....	99	8,793	698		935	9,525
Eastern.....	33	3,062	406	19	330	3,850
Wrangell.....		12	2	2	1,945	1,969
South Prince of Wales Island.....						
Southern.....						
Total through July 3, 1943.....	1,554	88,548	15,820	34,309	553,569	662,800
Total to July 4, 1942.....	350	84,928	1,744	26,989	234,775	288,786

## NEW FOOD AND DRUG ACT REGULATION PROMULGATED

### Covers Conformity of an Ingredient To Definitions and Standards

The Federal Register for July 20 publishes a newly promulgated regulation specifying ingredient conformance with provisions of the Federal Food, Drug and Cosmetic Act, along with an amendment to the general regulations of the Act. Text of the new regulation and the amendment follows:

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [sec. 701 (a); 52 Stat. 1055; 21 U. S. C. 371 (a)], the following regulations are hereby promulgated:

The following new regulation is added to the regulations for the enforcement of such Act (21 C. F. R. Part 2):

**§ 2.13 Conformity to definitions and standards of identity.** In the following conditions, among others, a food does not conform to the definition and standard of identity therefor:

(a) If it contains an ingredient for which no provision is made in such definition and standard;

(b) If it fails to contain any one or more ingredients required by such definition and standard;

(c) If the quantity of any ingredient or component fails to conform to the limitation, if any, prescribed therefor by such definition and standard.

### PART 10—DEFINITIONS AND STANDARDS FOR FOODS

Section 10.0 of the regulations under such Act, entitled "General Regulation" (21 C. F. R. 10.0, Supp. 1939), is amended to read as follows:

**§ 10.0 General regulations.** (a) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable also to such terms when used in regulations promulgated under the Act.

(b) If a regulation prescribing a definition and standard of identity for a food has been promulgated under section 401 of the Act and the name therein specified for the food is used in any other regulation under section 401 or any other provision of the Act, such name means the food which conforms to such definition and standard, except as otherwise specifically provided in such other regulation.

(c) No provision of any regulation prescribing a definition and standard of identity or standard of quality or fill of container under section 401 of the Act shall be construed as affecting the application of any provision of the Act or regulations thereunder. For example, all regulations under section 401 contemplate that the food and all articles used as components or ingredients thereof shall be clean, sound and fit for

food; a provision in such regulations for the use of coloring or flavoring does not authorize such use under circumstances or in a manner whereby damage or inferiority is concealed or whereby the food is made to appear better or of greater value than it is.

### Order Exempts Institutions From Registering Requirement

Government institutions, such as prisons and State hospitals, which put up their own fruits and vegetables have been relieved by the Office of Price Administration of the necessity of registering as processors in those cases where they sell such processed foods to the armed services.

These institutional users are permitted to sell such processed fruits and vegetables to the armed forces at the special rate of four points per pound. The points so received are surrendered to the local War Price and Rationing Boards.

The order exempting them from registration is contained in Amendment 31 to General Ration Order 5, which became effective July 23.

### USED CONTAINER CEILINGS

#### OPA Seeks to Achieve Used Vegetable And Fruit Box Salvage

A schedule of maximum prices for used wood, fiber or corrugated board fruit and vegetable containers—designed to encourage their collection and re-conditioning for re-use—was announced July 20 by the Office of Price Administration.

The new prices are contained in Maximum Price Regulation No. 434 and become effective July 26.

The new regulation establishes maximum prices for "all used containers and component parts made of wood, solid fiber, or corrugated board or a combination of these materials used for packaging, handling, storing or shipping fresh fruits and vegetables."

Maximum prices, f.o.b. seller's loading point, are established at three levels of distribution: The emptier, accumulator and dealer levels.

An emptier is defined as any person who empties fruits or vegetables from containers and sells the containers.

An accumulator is a person who collects used containers for resale to dealers.

A dealer is a person who buys, stores and selects or reconditions used containers for re-use.

The new prices appear in MPR No. 434 in table form. Selected maximums are as follows:

BASKETS; HAMPER; COVERS	Emptier Accumulator Dealer		
	Unselected & unrecycled	Unselected & unrecycled	Selected and/or recycled
Cents	Cents	Cents	Cents
1 bu. export tubs (each).....	8	11	17
1 bu. 2 hoop-round bottom baskets (each).....	5	8	13
1/4 bu. C. S. baskets (each).....	4	7	12
NAIL TYPE CRATES, ETC.			
3/5 bu. citrus crates—no cover (each)....	5	9	17
West's (L. A.) lettuce crates (no covers) (each).....	5	9	16
1/4 bu. New Eng. Mkt. boxes (no cover) (each).....	5	7	10
WIREBOUND BOXES			
1 3/5 but Bruce citrus boxes (made up) (each).....	6	9	14
24 pt. berry crates, up, no cups or dividers (each).....	4	7	12
1 bu. James sweet potato crates, made up (each).....	4	7	12

The maximum prices provided by the regulation are applicable to all sales of used containers except sales by farmers' cooperatives, and sales in the States of Arizona, Utah, Nevada, California, Oregon and Washington.

On shipments by common or contract carriers, the actual cost of transportation paid or incurred by the seller may be added to the maximum price, f. o. b. seller's loading plant.

### War Prisoners Being Used

Agreement between the War Department and the War Manpower Commission as to the details that will govern the use of war prisoners by the industry had not been reached as the INFORMATION LETTER went to press. Some canners, however, are using war prisoners for certain duties around the plants through direct arrangements with the commanding officers at the prison camps.

The War Department, on July 21, announced that Axis prisoners of war interned in this country now total 65,058, with many more scheduled to arrive in the near future. Permanent prison camps in the United States will accommodate 139,164 enemy captives, an Army statement said. Thirty-seven camps, located in 20 States, now house 45,355 Germans, 19,041 Italians, and 62 Japanese.



## PEAS FOR PROCESSING

### USDA Report Covering Early July Shows Increase in Indications

During the first two weeks of July green pea production prospects improved slightly and on July 15 a total of 458,850 tons was indicated for canning, freezing and other processing in 1943. This compares with 424,010 tons for 1942.

The production indicated on July 15 for 1943 includes all of the potential crops in Oregon and Washington. In recent years, however, part of the production in these States has been harvested as dry peas. Only that part of the production actually canned or frozen is shown for these States in 1942.

The following table shows, by States, the 1943 planted acreage, compared with the 1942 harvested acreage and the indicated production in 1943 in shelled tons, as compared with the 1942 production:

State	Acreage		Production	
	1942 harvested Acres	1943 planted Acres	1942 Tons	1943 indicated Tons
Maine.....	5,470	5,500	5,200	5,780
New York.....	40,000	25,800	47,840	15,480
Pennsylvania.....	15,300	17,900	11,250	17,000
Ohio.....	8,500	8,200	6,380	3,690
Indiana.....	14,800	15,700	11,470	9,810
Illinois.....	21,100	22,100	20,150	18,900
Michigan.....	13,000	14,400	11,950	7,560
Wisconsin.....	148,000	163,100	130,240	137,000
Minnesota.....	38,100	46,500	36,580	38,360
Iowa.....	3,800	4,400	3,270	4,070
Delaware.....	4,000	4,000	2,200	2,840
Maryland.....	15,200	16,600	9,120	14,520
Virginia.....	4,350	4,500	1,940	3,940
Colorado.....	4,940	6,100	4,540	5,640
Utah.....	15,200	16,400	21,200	18,800
Washington.....	34,800	45,500	40,020	61,420
Oregon.....	21,200	47,000	40,280	70,800
California.....	3,700	4,500	3,550	5,940
Other States.....	16,760	16,430	16,820	17,150
Total.....	434,220	485,530	424,010	458,850

## Shipping Container Defined

Preference Rating Order P-140, covering containers, has been amended by the War Production Board to include the following definition of shipping container:

"(ii) Any corrugated or solid fibre sheet or roll to be used for wrapping or packaging or otherwise protecting a product or material for shipment. This shall not include any corrugated or solid fibre sheet intended for use in the manufacture of shipping containers or parts by concerns commonly referred to in the industry as 'sheet plants.'"

The order assigns preference ratings to deliveries of shipping containers.

## Jar Closure Committee Named

A Vacuum Closure Industry Advisory Committee has been formulated by the War Production Board. Its members are the following:

L. T. Crabbe, Phoenix Metal Cap Co.; E. C. Emanuel, Armstrong Cork Co.; G. L. McClain, Aluminum Seal Co.; Charles Raney, Anchor Hocking Glass Corp.; Earl F. Turner, Hazel-Atlas Glass Co.; A. H. Warth, Crown Cork & Seal Co.; J. M. Wheaton, Owens-Illinois Glass Co., and Phil White, White Cap Co.

## Honey Order Superseded

Conservation Order M-118 (honey), which has been superseded by Food Distribution Order No. 47, was revoked July 20 by the War Production Board. Under FDO-47, the War Food Administration controls the distribution of honey among food manufacturers.

## WANTED AND FOR SALE

### Machinery—Equipment

This column is open only to members of the Association who want to buy or sell canning machinery and equipment. Names of firms listing the items below will be furnished upon application to the Association. In requesting names, please identify items by number.

### FOR SALE

**254-S**—Twenty-four inch smoke stack, 51 feet long, in two sections; all in good condition, part of stack made in 1942.

**255-S**—Two beet cutters.

**256-S**—Monitor bean cutter.

**257-S**—Pumpkin seed cleaner.

**258-S**—Fruit grader (for plums, pears, apples).

**259-S**—200-foot roller conveyor.

**260-S**—Nestler sample pea grader.

**261-S**—Shaker bean filler.

**262-S**—Rhubarb cutter.

**263-S**—Two copper-jacketed kettles, about 45-gallon capacity.

**264-S**—New American Perforator Company perforating machine, Model No. 38, never been used. Has capacity of 14 papers, production at 250 to 350 per minute, will date or code labels, etc., six figures.

**265-S**—Combination tomato washer and scaldier.

**266-S**—Standard-Knapp labeler for 6-oz. to No. 2½ cans.

**267-S**—Two small retorts suitable for handling either glass or tin, tested for 40 pounds; inside diameter, 24 inches; inside height, 38 inches; overall height, 48 inches; together with six baskets to fit.

## Farm Machinery Fabrication

The fabrication of items of farm machinery for which critical material is allotted within the period April 1 to June 30, 1944, does not have to be completed until September 30, 1944, under Limitation Order L-257 as amended July 14 by the War Production Board.

Under the original order manufacturers would have had to rush through the fabrication of all material allotted under L-257 before the order expires on June 30, 1944.

The present amended order removes from Schedule A, 11 items of farm equipment that are not of sufficient importance to be placed under control.

## Corrections of Order M-81

The following corrections should be made in the text of Conservation Order M-81, as reproduced in the last issue of the INFORMATION LETTER:

Soups (Item 35 of Schedule 1)—After "Bean" under "Non-seasonal soups" add "(from dried beans)."

Tomato sauce, paste, and pulp (Items 40, 41, and 42 of Schedule 1)—Remove the single asterisks in column 5 wherever they appear in these items.

Pilchards (Item 57 of Schedule 1)—Remove the single asterisk in column 4 opposite "Oblong cans: Packed in brine" and "Oblong cans: Packed in oil."

## Use of Specialty Wrapping Paper Restricted by WPB

The use of specialty papers in packaging and wrapping was placed under stricter control by the War Production Board July 22 to conserve this type of paper for military and essential civilian uses. It is estimated that a saving of 10,000 tons of glassine, grease-proof and vegetable parchment paper a year, approximating 7% per cent of annual consumption, will be effected by Conservation Order M-286, as amended.

After July 23, manufacturers may not use these specific protective papers in wrapping or packaging the following products: Sugar, flour, macaroni, noodles and similar paste goods; dried foods such as peas, beans, popcorn, rice, lentils and barley; unshelled nuts; whole spices, except cloves and mixed pickling spices; and drink powders, excluding milk, chocolate and cocoa in packages of a half pound or more. These papers are also prohibited from use in packing or wrapping all foods for animals.

No canned or bottled goods may be packaged or wrapped in these special papers.

The M-286 restrictions do not apply to stocks in the hands of, or in transit to a user, or in the hands of a manufacturer or distributor and ready for a specific use, prior to July 23, 1943. This provision, the Pulp and Paper Division states, will offset any freezing of inventories and relieve many manufacturers with paper stocks in hand, who otherwise would be unduly handicapped.

## Flat Ceilings for Vinegar

Flat ceiling prices for cider vinegar at the producer and other levels were announced by the Office of Price Administration July 22, at rates which will relieve a squeeze on producers of about one-fifth of the industry's supply without materially affecting prices to consumers. These are given in Maximum Price Regulation No. 438, effective July 22.

Wholesalers' and retailers' prices for cider vinegar continue to be priced under Revised Maximum Price Regulations 237 and 238. The sellers specifically affected by the regulation are processors (who are primarily producers), secondary packers, and some others who produce, cut or package some cider vinegar.

Base prices, f.o.b. factory, are listed for processors and secondary packers, to which additions and mark-ups are to be applied for different classes of operation. They follow:

### PRICES F.O.B. FACTORY—60 GRAIN

Tank car or tank truck lots, per gallon.....	\$0.16
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### PRICES F.O.B. FACTORY:

	50-60 grain	40-50 grain
Barrels, per gallon, cooperage included.....	\$0.195	\$0.17
Half-barrels, per gallon, cooperage included.....	0.225	0.20
Gallons, per dozen.....	3.80	3.60
Half-gallons, per dozen.....	2.30	2.10
Quarts, per dozen.....	1.10	1.05
Pints, per dozen.....	0.70	0.675

## OPA to Set Blueberry Price of 12¢ Per Pound to Growers

The Office of Price Administration announced July 23 that it would establish a flat 12 cents per pound ceiling on blueberries. This represents an increase of between 3 and 5 cents per pound over the prices paid by freezers and canners last year. The new price of 12 cents per pound will apply only to the States of Maine, New Hampshire, Vermont, and Massachusetts.

## CCC Contract Clarification

In order to correct a misunderstanding among canners with respect to the purchase and resale provisions of the Commodity Credit Corporation contract, an investigation has been made which discloses that there has been no change in the contract that would in any way cause the subsidy payment (the difference between the purchase and resale price) to be affected by the earnings of the canner signing the contract. The canner's earnings may be taken into account only in connection with the settlement of an appeal under the hardship clause of the contract.

## Dr. Mohler, BAI Chief, Retires

The Department of Agriculture has announced that Dr. John R. Mohler will retire July 31, after 46 years of Federal service, all of it in the Bureau of Animal Industry, of which he has been Chief since 1917. Widely known in the United States and abroad as an administrator, veterinarian, and pathologist, Dr. Mohler, who is 68, has devoted most of his life to the upbuilding and protection of the nation's livestock industry. Many of the activities that he has sponsored, such as Federal meat inspection and the suppression of bovine tuberculosis, have been highly beneficial to the public generally.

## Ceilings Placed on Dry Onion Sales by Country Shippers

Maximum prices for dry onions from July 15, through the balance of the year have been established by the Office of Price Administration for sales by the country shipper at levels which reflect an increased return for the farmer over that of last year, under terms of Amendment No. 4 to Revised Maximum Price Regulation No. 271.

The highest maximum price to the country shipper for the period July 15-July 31, is \$1.75 per 50 pounds in the States of Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia. Lowest such maximum price will be \$1.55 per 50 pounds in the States of Montana, Idaho, Washington, Wyoming, Colorado, Utah, Arizona, New Mexico, and Nevada and the counties of Walla, Union, Grant, Baker, Harney and Malheur in Oregon.

Under the amendment, the regulation now includes the Illinois counties of Madison, St. Clair, Monroe, Clinton, Washington, Randolph, Perry, Jackson, Union and Alexander with Missouri rather than with the rest of Illinois. The July, 1943, maximum price for sales by country shippers in the St. Louis area, and all of Missouri, is \$2.70 per hundredweight. That for the rest of Illinois is \$2.95.

## Order Governs Production Of 10,000 Home Dehydrators

Regulations governing the production of 100,000 domestic food dehydrators in self-contained units were announced by the War Production Board with issuance of a new order, L-308.

The order includes a schedule of 31 manufacturers who will participate in the program to produce the food-preserving units. The manufacture of all units permitted under quotas assigned by the order must be completed before September 1. Although only 80,000 units are scheduled initially, this production will be supplemented by the assembly of "kits" (dehydrator parts) at vocational-educational training centers, which will round out the production program.

To insure the flow of the dehydrators to those who can make the best use of them, WFA and the Consumers Durable Goods Division of WPB are collaborating on the method of distribution. No form of rationing will be imposed. Instead, WFA and WPB are working closely with the manufacturers to guide the flow of their products.